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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew Saxon Attorney Docket #: 39754-0531A  
Serial No. 09/770,169 Group Art Unit 8085  
Filing Date January 26, 2001 Examiner: Schwadron, Ronald B.  
Title: IMMUNOGLOBULIN CLASS SWITCH RECOMBINATION


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

- ☒ Transmitted herewith are the following documents:
- (1) Transmittal;
  - (2) Response to Restriction Requirement.
- ☒ The Commissioner is authorized to charge Deposit Account No. 08-1641 in the amount of \$55.00 for a one-month extension of time to file response.
- ☒ Attached is a postcard for date-stamped return as confirmation of receipt of these materials.

Respectfully submitted,

Date: November 12, 2003

  
Ginger R. Dreger  
Reg. No. 33,055


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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 12, 2003

  
Cheryl Ann Rogers



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. 09/770,169 Group Art Unit 8085  
Filing Date January 26, 2001 Examiner: Schwadron, Ronald B.  
Title: **IMMUNOGLOBULIN CLASS SWITCH RECOMBINATION**

Commissioner for Patents  
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Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This is in response to an Office Action mailed on September 29, 2003 in connection with the above-identified patent application, setting a one-month term. The present response is accompanied by a request for a one month extension of time and the requisite fee, and is therefore timely filed.

Applicants were requested to elect, for examination purposes, one of the following inventions:

- I. Claims 1-22, drawn to nucleic acids, vectors and host cells; and
- II. Claims 23-48, drawn to a method of monitoring immunoglobulin class switch recombination.


The invention of Group I, claims 1-22 is hereby elected, with traverse.

In justifying the restriction requirement, the Examiner states that in "the instant case, the product as claimed can be used in a materially different process such as for the production of probes for hybridization assays to detect cells expressing the claimed nucleic acids." Applicants note that the nucleic acids claimed in claims 1-15 are artificial molecules that do not occur in nature. Therefore, there are no native cells that would express such nucleic acids. On the other hand, it is

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hard to imagine any practical situation when one would transfect cells with one of the claimed nucleic acids, and then would use the same nucleic acid molecule to prepare probes in order to confirm that the nucleic acid is indeed present in the cell.

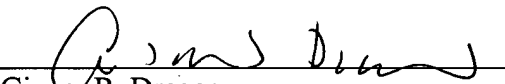
In view of this, the Examiner is respectfully requested to reconsider and withdraw the present restriction requirement, and examine all claims pending in the present application.

The traversal of the restriction requirement should not be construed as an admission that the inventions of Groups I and II and not independently patentable.

Please charge any additional fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (**Attorney Docket No.: 39754-0531**). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully Submitted,

Date: November 12, 2003

  
Ginger R. Dreger  
Reg. No. 33,055

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